

OCT 03 2005

Appl. No. 10/765,380
Amendment dated October 3, 2005
Reply to Office Action of June 3, 2005

PATENT

REMARKS/ARGUMENTS

Claims 1-4 and 14-18 were examined. Claim 1 has been amended. Claims 14-18 have been canceled without prejudice to refiling in a subsequent application. Re-examination and reconsideration of the claims, as amended, are respectfully requested.

The objection to claim 1 has been overcome by amending line 2 to recite "system" rather than "kit." Applicants apologize for this error.

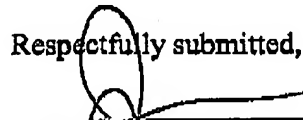
Applicants respectfully traverse the written description and enablement rejections of claims 14-18. In order to expedite prosecution, however, Applicants have canceled these claims from the present application. Applicants reserve the right to file claims of identical or equivalent scope in subsequent applications.

The rejection of claims 1-4 over the Insler patent has been overcome by amending claim 1 to clarify that the "closure element" is releasably carried by the sealing catheter. Applicants do not believe that balloon 32 of Insler would in fact constitute a closure element as required by the present invention. By requiring that the closure element be releasable, however, it is clear that the balloon 32 of Insler cannot be considered to anticipate a read on the closure element of claim 1.

In view of the above amendments and remarks, Applicants believe that all remaining claims are in condition for allowance and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at (650) 326-2400.

Respectfully submitted,


James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400 / Fax: 415-576-0300
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